

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the
Northern District of New York

UNITED STATES OF AMERICA

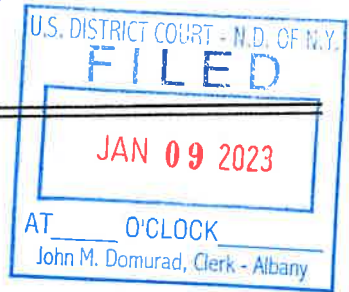
v.

BRIAN TIERNEY,

Defendant.

Case No.

1:23 MJ 15 (CFH)



CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.
Between November 14, 2022, and November 26, 2022 in the county of Fulton in the Northern District of New York the defendant BRIAN TIERNEY violated:


Code Section
18 U.S.C. § 371

Offense Description
Conspiracy to Commit Bank Robbery

This criminal complaint is based on these facts:

See attached affidavit.

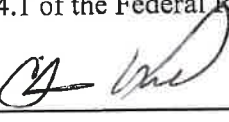
☒ Continued on the attached sheet.


Complainant's signature
FBI Special Agent Jason D. Manchuck
Printed name and title

Attested to by the affiant in accordance with Rule 4.1 of the Federal Rules of Criminal Procedure by telephone.

Date:

January 9, 2022


Judge's signature

City and State: Albany, New York

Hon. Christian F. Hummel, U.S. Magistrate Judge

Printed name and title

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, **Jason D. Manchuck**, being first duly sworn, hereby depose and state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. I am an Investigator with the New York State Police (NYSP), Bureau of Criminal Investigation, currently assigned to the Special Investigations Unit Albany, with the Division of the NYSP. Additionally, I am a Task Force Officer with the Federal Bureau of Investigation (FBI), Albany, New York Field Office and am assigned to the Joint Terrorism Task Force.

2. I have been employed as a Police Officer with the NYSP since December 1, 2008, and was subsequently promoted to the rank of Investigator with the Bureau of Criminal Investigation on September 11, 2014, and was recently promoted to Senior Investigator on July 7, 2022. While working in the capacity of a Trooper, and subsequently as an Investigator, I have been afforded the opportunity to work on several hundred criminal and non-criminal investigations. Many of these range from direct contribution through case agent and/or criminal investigation autonomy, to multiagency operations, involving the use of special details as determined appropriate and necessary.

3. These investigations include being the case agent responsible for assaults, child abuse/endangerment, larcenies, frauds and burglaries, drug investigations (focusing on the development of and use of confidential informants and working in an undercover capacity), sexual assaults, robberies, missing persons, and homicides. Although typical for investigations to include traditional complainant-generated incidents, others involve proactive or self-initiated investigations through interviews/interrogations, the development of confidential informants, and the employment of covert physical and electronic surveillance techniques in furtherance of continued investigative action.

4. Over the course of my time as a Task Force Officer and Investigator, I have received training and have experience in criminal and national security investigations, as well as matters involving domestic and international terrorism, and have been afforded the opportunity to work on a significant number of criminal investigations involving cellular telephones, including historical and prospective cell-site data from wireless providers, and social media. Additionally, I have routinely been the affiant on and subsequently executed numerous search warrants relative to these investigations, including search warrants related to electronic communications and electronic devices. I have significant experience in reviewing electronic information stored on cell phones and other electronic devices.

5. As a Trooper, after initial training, I was afforded the opportunity to attend numerous training initiatives to include the Advanced Criminal Interdiction Training and the NYSP Undercover Operations School. As an Investigator, I have attended additional trainings including, yet not limited to, the NYSP Electronic Surveillance & Title III Eavesdropping Warrant Training, the NYSP Advanced Search Warrant Training, the NYSP Basic Criminal Investigation School, the NYSP Police Basic Crisis Negotiator School, and the National Children's Advocacy Center Training—Forensic Interviewing of Children Training.

6. This affidavit is intended to show only that there is sufficient probable cause for a complaint and does not set forth all of my knowledge about this matter. The information contained in this affidavit includes information that I obtained from other law enforcement agents and officers, and from law enforcement and public records databases. The statements described in this affidavit are set forth in sum, substance, and in part. Where I assert that an event took place on a particular date and time, I am asserting that it took place on or about the date and time asserted.

7. 18 U.S.C. § 2113(a) states, in relevant part, “Whoever, by force and violence, or by intimidation, takes, or attempts to take, from the person or presence of another, or obtains or attempts to obtain by extortion any property or money or any other thing of value belonging to, or in the care, custody, control, management, or possession of, any bank, credit union, or any savings and loan association [...] [s]hall be fined under this title or imprisoned not more than twenty years.” 18 U.S.C. § 2113(d) states, “Whoever, in committing, or in attempting to commit, any offense defined in subsections (a) and (b) of this section, assaults any person, or puts in jeopardy the life of any person by the use of a dangerous weapon or device, shall be fined under this title or imprisoned not more than twenty-five years, or both.” 18 U.S.C. § 371 states, “If two or more persons conspire ... to commit any offense against the United States, [...] [he] shall be fined under this title or imprisoned not more than five years, or both.”

8. I make this affidavit in support of a criminal complaint charging Brian Tierney (“TIERNEY”) with a violation of 18 U.S.C. §§ 371, 2113(a), (d) [Conspiracy to Commit Bank Robbery].

PROBABLE CAUSE

9. In November 2022, the United States, including the FBI, began an investigation concerning a conspiracy to commit an armed bank robbery at the Community Bank, N.A. (CBNA) in Johnstown, New York following a traffic stop involving Luke Kenna (“KENNA”). Electronic communications on KENNA’s phone show that TIERNEY, KENNA, and another conspirator named Michael Brown (“BROWN”) agreed to and planned to commit an armed bank robbery at the CBNA in Johnstown, New York. Further, KENNA and Brown performed overt acts in furtherance of the conspiracy—including KENNA conducting surveillance of the bank on or about

November 21, 2022, and BROWN traveling to New York from Pennsylvania on November 26, 2022.

Search of KENNA's Phone

10. A cell phone seized incident to the arrest of KENNA (the "KENNA Phone") on November 26, 2022, was subsequently searched, pursuant to federal and state search warrants, for evidence of certain violations of federal and state law, including a conspiracy to commit bank robbery and the crimes under investigation here. The KENNA Phone contained certain communications indicating a conspiracy to commit a bank robbery, including various encrypted chat messages using the instant messaging service Threema.¹ Information obtained from the KENNA Phone shows that the Threema application was purchased on August 31, 2022, and the user of the phone had a Threema account with username alias "Lt." and Threema user ID 2W2VYTFU. Based on some of the chats listed below, among others, investigators believe that Threema user ID 2W2VYTFU with username "Lt." is associated with LUKE KENNA.

11. On November 14, 2022, on Threema, "Lt." a.k.a. KENNA created a group chat titled, "ᚠᚠ: [SS] Screenwriters Guild"² with another Threema user with ID 7R279AT6 and alias

¹ Threema is a paid and proprietary end-to-end encrypted instant messaging service available on iOS and Android devices. Threema uses a user ID, created after the initial app launch by a random generator, instead of requiring a linked email address or phone number to send messages. It is possible to find other users by phone number or email address if the user allows the app to synchronize their address book. Linking a phone number or email address to a Threema ID is optional. Hence, the service can be used anonymously. For more information about Threema, see <https://threema.ch/en/support>.

² The Schutzstaffel, commonly abbreviated "SS" or stylized as ᚠᚠ with Armanen runes, was a major paramilitary organization under Adolf Hitler and the Nazi Party in Nazi Germany, and later throughout German-occupied Europe during World War II. The SS were considered the foremost agency of security, surveillance, and terror within Germany and Germany-occupied Europe at the time and were responsible for enforcing the racial policy and white-supremacist, fascist, and extremist ideologies of Nazi Germany, including the genocide of victims during the Holocaust. *See generally* Adrian Weale, SS: A New History

“Russ.” As described further below, I, along with other investigators, believe that “Russ” is Michael J. BROWN, Jr.

12. On November 14, 2022, at 6:38:37 p.m. (UTC-5), “Lt.” a.k.a. KENNA sent to “Russ” a.k.a. BROWN, via the group chat on Threema, two screenshots taken on a cellular device of a map showing a route in Johnstown, New York. Based on my understanding and review of maps of Johnstown, I understand that the red “X” marks the location for a Community Bank, N.A., (CBNA) located on 311 N Comrie Avenue, Johnstown, New York. An excerpted copy of the screenshot shared in the chat is provided below:

(Abacus, 2012); History.com Editors, *The SS*, History.com (Jan.7, 2019) <https://www.history.com/topics/world-war-ii/ss>.

Both Brown and Kenna have professed allegiance to white-supremacist and Nazi ideologies. KENNA runs a self-defense and “primitive” survival skills training business named Tyr Tactical Training located in Gloversville, New York. Tyr is a Norse pagan rune appropriated by the Nazi SS that is frequently used by neo-Nazis today. *See* Anti-Defamation League, <https://www.adl.org/resources/hate-symbol/tyr-rune>. KENNA has also posted on Telegram channels associated with the Church of Aryanity, which describes itself as a “an organized religion for White Aryans only” and is only “open to adult, non-Jewish, white Aryan men who are of healthy genetic stock.” *See* arianscholar, Aryan Priesthood, Aryanity (Jan. 24, 2021), <https://aryanity.com/?p=159>.

Brown allegedly ran a small but openly militant neo-Nazi channel on Telegram called Aryan Compartmented Elements (ACE) which shared videos of the group’s purported crimes. *See* Corvallis Antifascists, *Aryan Compartmented Elements and Michael “Doc Grimson” Brown Exposed*, CVAntifa (Nov. 11, 2021), <https://cvantifa.noblogs.org/post/2022/11/21/aryancompartmentedelements/>. When his residence was searched in December 2022, law enforcement found various Nazi and white-supremacist items and paraphernalia. Based on image files sent by Tierney’s phone from Verizon’s records, investigators also believe TIERNEY shares this ideology.

On November 18, 2022, Kenna sent a message to TIERNEY and BROWN via the Threema group chat detailed further below, stating, “Looks like we’re getting this paper jew money while it lasts. Just in time to invest into bigger and better things.” This message shows that a white supremacist, antisemitic, pro-Nazi ideology may have played a role in the intent to conspire to commit the bank robbery.



13. On November 14, 2022, at 6:58:00 p.m. (UTC-5), “Lt.” a.k.a. KENNA sent a message to “Russ” a.k.a. BROWN via the group chat, “You should have all this but I’m going to start sending plans etc here for ease of use.” Shortly thereafter, another Threema user with user ID 7J8XKXPC and alias “Wodanaz”³ was added to the group. As described further below, I and other investigators believe “Wodanaz” is BRIAN TIERNEY.⁴

14. On November 15, 2022, at 6:25:26 p.m. (UTC-5), “Lt.” a.k.a. KENNA sent a message to the group chat, including “Wodanaz” a.k.a. TIERNEY, stating, “So with that I like to welcome you gentlemen to the SS screenwriters Guild once we get closer to the actual event date we will probably compartmentalize a Screen Actors Guild group and do a rehearsal and dry run of at least the timing on things such as the distance in movement on foot Etc I will be posting the script as it comes in here and all actors parts and lines to rehearse for the big day.” “Lt.” a.k.a. KENNA further stated, “I would also like to say that I am both honored and extremely pleased to

³ “Wodanaz” is likely a reference to the god in Germanic and Norse paganism also known as “Woden” or “Odin” associated with death, war, battle, and royalty. See <https://en.wikipedia.org/wiki/Odin>.

⁴ Further information regarding this identification is included in paragraphs 32 to 41 below.

have both of you gentlemen here on this project with me I know that it's going to be a hit and we're going to make it all the way to Broadway if you know what I'm saying." In response, "Russ" (BROWN) and "Wodanaz" (TIERNEY) both responded, "C," which, based on my training and experience, indicates "copy" or that they acknowledged receipt and agree. TIERNEY a.k.a. "Wodanaz" further stated, "I am likewise honored to be here and look forward to putting on an A list show with you fine gentlemen." Based on my training and experience, the conversation among KENNA, BROWN, and TIERNEY indicates that they are using language about films, scripts, and popular entertainment entities as code for their plans to commit bank robbery.

15. On November 17, 2022, at 5:15:19 p.m. (UTC-5), "Lt." a.k.a. KENNA sent an audio recording, which investigators have identified to be the voice of Luke KENNA, to the "SS Screenwriters Guild" group chat in which KENNA describes how he clocked the bike trail from his house to the location of the "meetup" as "right around 2.5 miles." He then described how he is drawing up "some maps" and "backup plans." He also described how "Russ and I will be doing some reconnaissance and surveillance next weekend." KENNA also mentioned wanting to have at least one bag "to ditch or bury, just in case" and explained, "I've talked to some guys that have done this before and they all agree that it's always good to have a bag buried. Just in case things go awry, then you have something to look forward to when you get out." In my training and experience, I understand this is tradecraft language to describe KENNA's plans to commit a bank robbery and to bury the proceeds of the crime based on information he had received from other bank robbers. KENNA also described his plans to go talk to the "branch manager."

16. On November 17, 2022, at 10:52:10 PM (UTC-5), "Lt." a.k.a. KENNA sent an audio recording to the group chat, including "Wodanaz" a.k.a. TIERNEY, in which he described a "variable" that law enforcement might be "keeping eyes" on him. He described that if it does

become a problem, “we will not abort, we will just change plans. There is no aborting this.” He further stated, “Everybody that’s in on this I brought you in because I trust you guys. Could all use this kind of score and could all be trusted to do so. I’m going to add some solid notes tomorrow based on my reconnaissance and intel gathering.” In response, TIERNEY a.k.a. “Wodanaz” responds with an emoji “👌” which I understand to denote “okay,” and then states, “Not only could I use it I kinda need it.” Based on my training and experience, I understand that the reference to “this kind of score” means a bank robbery and coming into a lot of money, and further understand that these chats indicate Wodanaz’s agreement to commit the bank robbery and his indication for his motive for doing so based on a need for money.

17. On November 18, 2022, at 12:00:03 a.m. (UTC-5), “Lt.” a.k.a. KENNA sent an audio message to the Threema group chat identifying the need to maintain drone surveillance and monitoring law enforcement radio channels. KENNA then stated that they will each meet in person prior to the planned day of the robbery. KENNA then asked if anyone could procure good identifications or aliases “to get by to get the room [at a hotel].” In response, TIERNEY a.k.a. “Wodanaz” responded, “I can create identification” and “I’ll keep it synced up to real individuals.” Later in the chat, TIERNEY a.k.a. “Wodanaz” indicated that he would probably use identities from individuals in Iowa and then states, “I have a pretty thorough plan actually” and “Since I’ll be cloning real people we should be able to pass any check.” Based on this information, there is probable cause to believe that “Wodanaz” has information to create and steal identities from others for purposes of creating fraudulent identifications.

18. On November 18, 2022, at 6:39:00 a.m. (UTC-5), in response to a discussion about how to split the proceeds, “Russ” (BROWN) sent a chat message via Threema stating, “I’d recommend that we split movie proceeds three ways and guys can bury or secure their portion at

their discretion” In response, “Lt.” (KENNA) stated, “Agreed.” Later that day, at 11:27:55 a.m. (UTC-5), in response to a discussion about how to split the proceeds of the robbery, whether to bury it, and whether to use a hotel as a staging ground, “Wodanaz” (TIERNEY) sent an audio recording to the Threema group chat stating, “Solid copy on everything. Um...I definitely agree with burying the prop bag. I think that would really give us a sense of realism to our viewers. And you know just makes a lot of sense to me. And uhh...same thing with the hotel. Yeah know I think overall not necessary. And uhh...just another thing...It’s another avenue that we have to be on our Ps and Qs about. Otherwise we could be exposing ourselves. You know so...less attack surfaces the better in my opinion. You know, yeah, less room for failure. So cool with me.” In my training and experience, this audio message indicates TIERNEY’s agreement to commit with the conspirators the proposed bank robbery and indicates his agreement to bury a bag with the proceeds after the robbery.

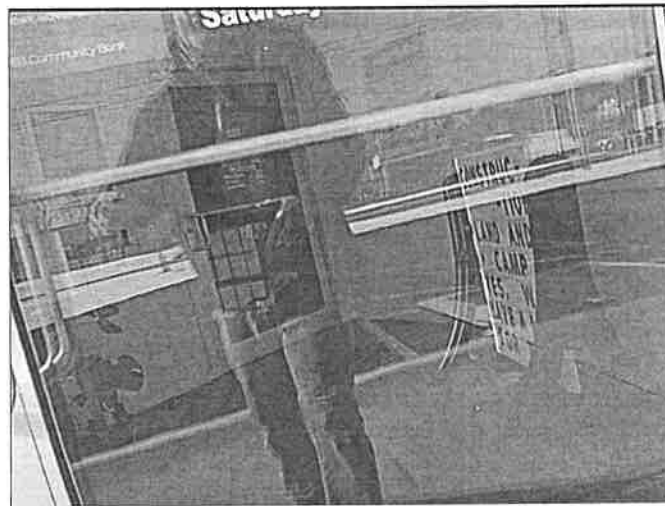
19. On November 18, 2022, at 8:04:30 a.m. (UTC-5), “Lt.” (KENNA) described in an audio message sent via Threema how he got some advice to “not take too long planning, ya know, some people take years and years, it’s a little too much, and not take too short, not to just jump in and do it like a junkie.” He then described the need for pre- and post-surveillance and states that the surveillance “will mostly be me because I’m in the area and because I’m a customer so I can just go and be nosey.” Based on my training and experience, I know that individuals conspiring to commit bank robbery often prepare for such criminal conduct by visiting and conducting business at the bank they intend to target. For example, such preparations often involve conducting banking activity at the target or other banks ahead of the planned robbery.

20. On November 18, 2022, at 6:58 p.m. (UTC-5), “Lt.” (KENNA) sent a message to the group chat via Threema, stating, “Working up some stage setup and draft plays on paper now.

Was dark at 5pm today. Perfect. By the time of the big day it will already be dark when the ‘guys’ get there. Clocking it on foot tonight after an non related operation in that AO.” Based on my training and experience, this chat indicates that KENNA was conducting active surveillance of the bank and was going to and from the bank on foot to confirm the timing of his planned route to commit the bank robbery.

21. On November 21, 2022, “Lt.” (KENNA) sent various photographs, which were taken by and found separately on the KENNA Phone, of a walking trail. After sending the photos, at approximately 12:01 p.m. (UTC-5), “Lt.” (KENNA) and “Russ” (BROWN) exchanged a series of messages about the planned entrance/exit route from the trail after the robbery.

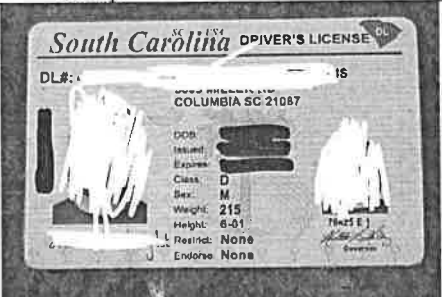
22. On November 21, 2022, at 12:54 p.m. (UTC-5), KENNA a.k.a. “Lt” sent various .mp4 videos via Threema to the group chat showing KENNA driving in his car on a route to CBNA in Johnstown, New York. During the videos KENNA is heard describing how he anticipates tracking through the woods and that each of them will be “carrying weight” and estimates that each of them would be “carrying about 100 lbs. each at least.” At 1:18 p.m. (UTC-5), KENNA a.k.a. “Lt” sent the following photographs showing the outside of CBNA in Johnstown, New York, including one showing KENNA’s reflection in the glass door. Based on the video and information above, I believe that Luke KENNA took at least one overt act in furtherance of his conspiracy to commit bank robbery by conducting surveillance of the CBNA bank in Johnstown, New York, on November 21, 2022.



23. On November 21, 2022, at 1:21:59 p.m. (UTC-5), “Russ” (BROWN) sent a message stating, “Copy on all. I am working on acquiring a heavier prop for this movie as well for my part..If something goes sides ways and we decide to turn this into an action thriller I'd prefer to have something really nice for the audience.” In my training and experience, I believe the reference to a “prop” is a reference to a firearm and BROWN appeared to be referencing the need to use his firearm in case law enforcement shows up before they can escape.

24. On November 21, 2022, at 1:29:45 p.m. (UTC-5), “Lt.” (KENNA) sent a message to the Threema group chat stating, “So maybe if I can put that extra thing together in time I will

too, otherwise I have 2 smaller tools and sharp stuff is for the girls. But also remember we will be carrying a duffel each weighing upwards of 100# each (hopefully). Heavier the bag the harder the cardio but heavier the bag better score!!!” In my training and experience, this refers to the planned bank robbery in which they would have sharp knives to threaten the female bank tellers and that they would be carrying heavy bags filled with money. In response, starting at about 1:32:03 PM (UTC-5), “Russ” (BROWN) and “Wodanaz” (TIERNEY) sent a series of chat messages responding and stating as follows:

7R279AT6 Russ	Copy!
7J8XKXPC Wodanaz	Just a thought but maybe we could hide a wagon in the brush and use that to transport the heavy bags once exfil from the main stage is complete and players 1 and 2 are enroute to secondary exfill
7J8XKXPC Wodanaz	Copy all
7J8XKXPC Wodanaz	Also I'm working on acquiring plates as well
7J8XKXPC Wodanaz	Cell/WIFI/GPS jammer en route from china
7J8XKXPC Wodanaz	The Drone I bought is trash going to look into a better one, any recommendations are welcome. Also as far as the vehicle goes I can work on that when I come up there, I would look around for one here but I don't want it to get tracked to my general location
7J8XKXPC Wodanaz	I have a plate we can slap on with no track back
7R279AT6 Russ	Mavic 3
7J8XKXPC Wodanaz	Copy
7J8XKXPC Wodanaz	Btw sample ID
7J8XKXPC Wodanaz	 <p>[White markings original; black redactions applied]</p>
7J8XKXPC Wodanaz	I have a source for dox ⁵ and the equipment to manufacture

⁵ “Dox” means to search for and publish private or identifying information about a particular individual on the internet, typically with malicious intent.

Based on the content of the chat messages above, I believe that TIERNEY a.k.a. “Wodanaz” was creating fake identifications using stolen identities and false vehicle license plates for the purpose of committing the bank robbery, which he likely ordered online through the Internet and had shipped to him from China.

25. On November 21, 2022, at 5:50:41 p.m. (UTC-5), “Lt.” (KENNA) sent a message to “Russ” (BROWN) and “Wodanaz” (TIERNEY) providing a list of “items needed for each actor and in general” that included “Boots, outerwear (disposable) change of clothes (underneath disposable clothing) two large duffel bags (waterproof), Weapons radios *4, zip ties/ rope/ tape, plate carrier and or chest rig, personal backpack or bag(empty & non-disposable), flashlight* 3 faraday bags* 3, burner phones * 3, face coverings (balaclava/ ski mask) [hair net/beard net), clean identifications, vehicle.” “Wodanaz” responded “I have loads of zip ties and a roll of gorilla tape” and “Russ” further stated, “I will have zip ties prepped on my end for not part.”

26. KENNA a.k.a. “Lt” and TIERNEY a.k.a. “Wodanaz” also exchanged private messages on Threema indicating a conspiracy to commit bank robbery. For example, on November 14, 2022, at 4:17:15 PM(UTC-5), “Lt.” (KENNA) sent a chat message to “Wodanaz” (TIERNEY) stating, “Community bank NA johnstown ny.”

27. Later on November 14, 2022, at 4:27:36 PM (UTC-5), “Lt.” (KENNA) sent to “Wodanaz” (TIERNEY) an audio message via Threema stating, “Also tentatively right now looking at January 6, it’s a Friday and it’s a full wolf moon...so that way you know cause gets dark at about 5 o’clock so by the time we get out of there and meet up with the driver, which more likely is the position we’re going to need you on....so umm..yeah that’s the tentative date about 8 weeks from now.” In response, “Wodanaz” responded, “No problem” and “Date and time work for me” and “I will play whatever position needed.” “Lt.” (KENNA) then sent another message

stating, "Excellent. It's nice that you're somewhat close so we should be able to get together beforehand to let you get the lay of the land..it's super simple and sweet score if we follow the plan. Easy money for the most part." Based on this chat message, I understand that TIERNEY was believed to be in the general region though potentially not close by to KENNA and that they intended to commit the bank robbery on January 6, 2023.

28. Later, on November 14, 2022, at about 4:36 p.m. "Lt." (KENNA) and "Wodanaz" (TIERNEY) exchanged private messages via Threema discussing the need for the money. KENNA a.k.a. "Lt" sent a message stating, "Yeah bro same here. I can't keep doing this nickel and dime shit. I think we can each come off with at least 100k. Banks always have at least 500 k at all times and sometimes more/less but since they're open on Saturday also I'm sure they'll be fully stocked, and the fact that it's 4 females in a small building with woods behind it makes it for a pretty fool proof plan, so long as we all do it. You're pretty much the only other one beside #2 that I'd even trust to ask and participate." TIERNEY a.k.a. "Wodanaz" later responded, "Yeah I agree bro it sounds easy and the getaway looks clean. The most important thing is gonna be securing the room before the pin gets pulled and getting out quick." Based on these chats and my training and experience, I believe that TIERNEY intended to commit acts of violence to threaten members of the CBNA bank, including by potentially pulling the "pin" out of a grenade, to commit the bank robbery.

29. KENNA a.k.a. "Lt" and TIERNEY a.k.a. "Wodanaz" also exchanged private messages on Threema indicating that they possessed firearms and planned to use those firearms to carry out the armed bank robbery. For example, on November 17, 2022, at 11:52 p.m. (UTC-5), KENNA a.k.a. "Lt" sent TIERNEY a.k.a. "Wodanaz" a private chat message stating, "We'll have clean p80s too" and TIERNEY a.k.a. "Wodanaz" responded, "Excellent." In my training and

experience, a “P80” is a type of handgun, typically a Glock.⁶ Later, on November 22, 2022, TIERNEY a.k.a. “Wodanaz” sent a message stating, “I just ordered completion parts for my p80 g19” and “Threaded.” KENNA responded, “Nice. Juat tested the g26 I built a while ago and havet had a chance and it's pretty accurate for a p80.” On November 27, 2022, TIERNEY a.k.a. “Wodanaz” sent KENNA the following image of what appears to be a P80 handgun:



30. On November 22, 2022, “Wodanaz” (TIERNEY) sent a private chat message via Threema to “Lt.” (KENNA) stating “Just picked up my rv.” This chat indicates that TIERNEY has access to and was driving a recreational vehicle (RV).

31. Based on these and other chat communications, including audio messages exchanged between the conspirators, there is probable cause to believe that the Threema user with alias “Wodanaz” conspired with KENNA a.k.a. “Lt.” and BROWN a.k.a. “Russ” to commit a bank robbery at a CBNA on or about January 6, 2023, in Johnstown, New York.

⁶ In the early 1980s, the Austrian Ministry of Defense proceeded with the modernization of the Austrian Armed Forces through an invitation to tender for a new service pistol, which it designated as “Pistole 80” or “P80”. See <https://eu.glock.com/en/GLOCK-P80-History>.

Identification of TIERNEY as “Wodanaz”

32. On or about December 23, 2022, I spoke with Ryan F. O’Leary, a Detective in Nassau County, New York. Detective O’Leary had conducted an interview of BRIAN TIERNEY in 2016 for approximately three hours regarding a burglary and has monitored TIERNEY’s social media and online presence until present day. When I played a recording of the video sent by the Threema User “Wodanaz” on November 18, 2022, at 11:27:55 a.m. (UTC-5), Detective O’Leary positively identified the voice as that of BRIAN TIERNEY.

33. Detective O’Leary also downloaded certain videos from a Facebook account with vanity name “Brian Heisenberg” that Detective O’Leary understood Brian TIERNEY had been using in 2016.⁷ The profile image displays a photograph consistent with the general description for TIERNEY and states that the individual lives in Nassau County, New York, which is consistent with available address information for TIERNEY, who is believed to reside and have family in Nassau County, New York. Detective O’Leary sent me a video dated December 1, 2016, containing a voice recording. I personally reviewed the voice recording on that video and can confirm that the voice appears to be consistent or similar to the voice recording of “Wodanaz” in the chat with “Lt.” (KENNA) and “Russ” (BROWN).

34. Based on New York State Department of Motor Vehicle records, I understand that a 2004 OP/RD House Trailer, with New York license plate CE93689 (the “Subject RV”) is registered to A.A., who is believed to be TIERNEY’s girlfriend/spouse. Based on the type of description of this vehicle, I believe this vehicle would otherwise be referred to as an “RV.” TIERNEY has been observed with the Subject RV at a location near Lynchburg, Virginia. These

⁷ The Facebook profile is available at <https://www.facebook.com/all.white.bricks.23/>.

records corroborate TIERNEY's statement in the Threema group chat that he picked up an "RV" on November 22, 2022.

35. On or about December 21, 2023, I interviewed a cooperating witness ("CW-1") who provided a voluntary statement to law enforcement. CW-1 informed me that Threema User ID 7J8XKXPC with alias "Wodanaz" also went by the alias "Manic" and, when shown by law enforcement a known photograph of BRIAN TIERNEY, CW-1 positively identified "Wodanaz" as BRIAN TIERNEY.

36. KENNA's Phone has a listed contact for "Manic" of +1 516-287-6772 (the "Manic Cell Phone").

37. Records from Google LLC show that Google account with e-mail brian tierney2@gmail.com was created in the name of "Brian Tierney" on March 17, 2010, and has a recovery SMS number of the Manic Cell Phone (516-287-6772). Google records further show that the account was last accessed on December 27, 2022, from a mobile IP address.

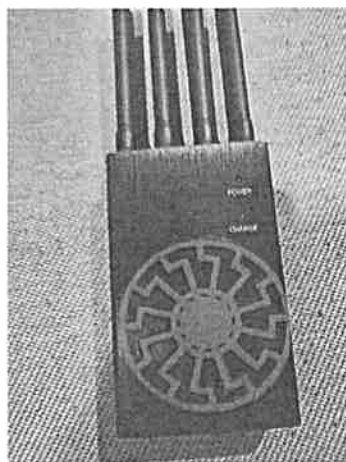
38. On December 28, 2022, a federal warrant was issued authorizing the search and seizure of historical information associated with the Manic Cell Phone from Verizon Wireless. Verizon records show that the Manic Cell Phone had sent and received messages between December 12, 2022, and December 21, 2022, with the phone number associated with BROWN. Additionally, on December 21, 2022, the Manic Cell Phone had contact with phone number 518-630-9403.⁸ The text message conversation between 518-630-9403 and the Manic Cell Phone stated as follows:

⁸ Records from Sutton Bank show that R.A.W-K., KENNA's wife, has an account with a listed phone number of 518-630-9403. KENNA's Phone also has a contact entry for "Mrs. Maam" associated with 518-630-9403. Accordingly, law enforcement understands that 518-630-9403 is associated with KENNA's wife.

Sender	Message
5186309403	Send me your email I have to send you some thing
Manic Cell Phone	Ok send it to tommygun1232022@[REDACTED].com
5186309403	Comming in hot
5186309403	Not good email
Manic Cell Phone	Why not good?
5186309403	[Screenshot image of Raven Winchester's email account showing an auto response that her message titled "criminal-cromplaint-Brown-Kenna.pdf" wasn't delivered to tommygun1232022@[REDACTED].com
Manic Cell Phone	Oh shit my bad it's [REDACTED].com
Manic Cell Phone	Not Hotmail
Manic Cell Phone	Sorry about that I'm still waking up
5186309403	Coming in hot
Manic Cell Phone	Received
5186309403	Copy
Manic Cell Phone	Just read it all
Manic Cell Phone	Damn

39. Luke KENNA was arrested for his role in the bank robbery conspiracy on December 21, 2022. Based on the above, I believe that KENNA's wife contacted TIERNEY to share information about pending charges against Luke KENNA related to the bank robbery conspiracy, because of TIERNEY's involvement in the conspiracy.

40. Additionally, Verizon records indicate that the Manic Cell Phone sent the following image file to phone number 516-582-5898 on November 30, 2022. Based on my training and experience, this appears to be an image of a radio jammer:



41. Verizon records also show that the Manic Cell Phone receive the following image file, among others, on December 24, 2022. Based on my training and experience, the image depicts a Flipper Zero,⁹ which is a portable tool that can be used for hacking radio protocols, access control systems, and hardware, including potentially for use in committing a bank robbery:



License Plate Reader Information & Surveillance Footage from KENNA's Residence

42. License plate reader information associated with a Ford F150 Pickup registered to BROWN (the "Brown Vehicle")¹⁰ shows that BROWN traveled to and from the State of New York on November 26, 2022, which is consistent with a trip by BROWN to Johnstown, New York to conduct surveillance and planning operations in furtherance of the bank robbery conspiracy. According to license plate reader information obtained by law enforcement, the Brown Vehicle had the following license plate reader hits on November 26, 2022: (1) going northbound on I-81 near Binghamton, New York at 8:39 AM, and going southbound on I-81 near Binghamton at approximately 9:35 p.m. From each of these LPR locations, the estimated travel time to Gloversville/Johnstown, New York would be about 2.5 hours. Based on that estimated travel time,

⁹ For more information about Flipper Zero devices, see <https://flipperzero.one/>

¹⁰ FBI surveillance has observed BROWN driving the Brown Vehicle in November and December 2022.

if traveling to Johnstown on November 26, 2022, absent any stops, detours, or traffic, the Brown Vehicle would have arrived in Johnstown at approximately 12:05 p.m. Likewise, if the Brown Vehicle departed Johnstown on November 26, 2022, at about 6:08 p.m., then the Brown Vehicle would likely have hit an LPR in Binghamton at about 9:30 p.m.

43. On November 27, 2022, the Honorable John C. Egan, Associate Justice for the Appellate Division of the Third Department of the Supreme Court of New York issued a warrant authorizing the search of the premises located at 93 Grand Street, Gloversville, New York (KENNA's residence), for evidence of certain violations of New York State Law by KENNA. During the search, law enforcement located a Lorex DVR with serial number ND011805060376 (the "Subject DVR"). A warrant was subsequently issued in the Northern District of New York authorizing the search of the Subject DVR for evidence of a conspiracy to commit bank robbery by KENNA. When searched, investigators found surveillance footage on the Subject DVR showing KENNA leaving his residence on November 26, 2022, at 12:51 p.m. dressed in all black, with a black backpack and sunglasses. In my training and experience, KENNA's attire was highly suspicious and indicative of an individual who may have been intending to commit a crime or conduct surveillance operations while remaining undetected. On November 26, 2022, the Subject DVR contained additional surveillance footage showing KENNA returning to his residence at approximately 6:08 p.m.

44. In my training and experience, the departure time of when KENNA left his residence on November 26, at about 12:51 p.m. would be consistent with the approximate arrival time of BROWN in Johnstown, and KENNA's return at approximately 6:08 p.m. would likewise be consistent with an approximate time when BROWN likely left the area and subsequently had an LPR in the Binghamton area at around 9:35 p.m.

KENNA's Arrest on November 26, 2022

45. On November 26, 2022, a police officer with the City of Gloversville Police Department (GPD) conducted a traffic stop on a tan minivan for traffic violations in the City of Gloversville, in Fulton County, New York. Prior to approaching the vehicle, the police officer notified his dispatch that there seemed to be disruptions in radio transmissions, akin to signals being jammed. Upon approach of the vehicle, the officer heard his dispatch communications being transmitted over a listening device inside the vehicle he had stopped. The officer asked the operator, later identified as KENNA, to present identification, but KENNA was unable to do so. The officer saw that KENNA was wearing all black clothing, including black gloves, and appeared to be wearing a ballistic vest under his jacket. A large knife was seen between the driver and passenger seats.¹¹

46. After additional units arrived on the scene, the officer asked KENNA to exit the vehicle. When asked if he had any weapons, KENNA denied having any weapons on his person. A pat frisk for officer safety by the officer led to the discovery of a firearm and extra magazine in a holster on the front of KENNA's waistband. The firearm was loaded with a ten-round magazine. The officer located an additional ten-round magazine in KENNA's holster. The officer determined that KENNA was wearing a ballistic vest containing a knife and that KENNA had a radio on his waistband. Subsequent examination of the firearm revealed that it had no serial numbers, which would be located on a legally owned firearm.

47. Law enforcement then conducted a search of KENNA's grabbable area in the vehicle, upon KENNA's voluntary consent, at which time a bag was located containing a loaded

¹¹ The knife ultimately recovered by GPD had certain markings that led investigators to believe that the knife was manufactured by BROWN and Black Market Tactical.

six round magazine, medical equipment used to treat injuries in the field, a cell phone in a black Faraday bag¹² multiple knives, scarves, extra gloves, as well as miscellaneous items.

48. Law enforcement also located a notebook in plain view in the front passenger seat of the vehicle with handwritten notes and diary entries. One entry in the notebook, dated November 19, 2022, states as follows:

Its coming up to the end of the year and I am flat broke with nothing but a gun and a dream. I'm going to fulfill my destiny one way or another. And It's going to take bold action to do so. I have already set in to motion a plan to start it all off. I'm writing a 'screen play' on a movie about 3 guys that rob a small bank and set off with a large amount of cash and get set up for things to come so as to keep their families safe & sound, Protected.

Also in the notebook is an entry stating, "need for CBNA op." Based on my training and experience, I believe that "CBNA" is an abbreviation for Community Bank, N.A and that this is a reference to the planned bank robbery.

FDIC Insurance for CBNA

49. Based on records provided to me about CBNA, I understand that the deposits of CBNA were insured by the Federal Deposit Insurance Corporation (FDIC) in November 2022.

CONCLUSION

50. Based on the foregoing, there is probable cause to conclude that BRIAN TIERNEY violated Title 18, United States Code, Sections 371, and 2113(a), (d), between at least November 14, 2022 and November 26, 2022, by knowingly conspiring to take by force, violence, and intimidation from the person and employees of the Community Bank, N.A. in Johnstown, New York, United States currency belonging to that bank, the deposits of which

¹² A Faraday bag is a bag made from conductive material that shields devices held inside the bag from outside electronic signals. Faraday bags are typically used to prevent data from being altered, deleted, or added to a device.

were then insured by the FDIC, and in committing that offense, conspired to assault and put in jeopardy the lives of the CBNA employees by means and use of a dangerous weapon.

Attested to by:



Jason Manchuck
Task Force Officer
Federal Bureau of Investigation

I, the Honorable Christian F. Hummel, United States Magistrate Judge, hereby acknowledge that this affidavit was attested to by the affiant by telephone on January 9, 2023, in accordance with Rule 4.1 of the Federal Rules of Criminal Procedure.



HONORABLE CHRISTIAN F. HUMMEL
UNITED STATES MAGISTRATE JUDGE